

# FOURTEENTH DAY

---

THURSDAY, FEBRUARY 6, 1997

---

## PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Dr. Will Davis, Jr., Senior Pastor, Austin Christian Fellowship, Austin, offered the invocation as follows:

Father, we thank You for this day. Every day in Austin, Texas, is a wonderful one and we thank You for this one. I would pray, Lord, we would not take this day for granted at all. The gift of life You've given us is unspeakable. We thank You for it now. I pray these Senators, Lord, who enter today with this duty that is so charged to them, would enter with a great sense of humility and stewardship, realizing the accountability they have, not just to the people that have placed them here, but to You who have given them this privilege of leading and of serving.

Father, You tell us in Your word that, if we lack wisdom and ask for it, You will freely and generously give it. So again, I would ask for the humility and the wisdom of these Senators to seek You for wisdom, that these men and women would humbly bow before You every time they vote, every time they listen, every time they speak, and seek You as they do so. I cannot imagine the pressures and temptations and battles they must face every day in trying to determine what is right and wrong and best and highest. I pray they will be people of the high road who are motivated by what is right and good, and by You. Thank You for the privilege of being here. Thank You for the privilege of living here. Be fully present here now as these decisions and the future of the state are considered. This is a great moment. Thank You for being here. We pray it in Your name. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHOR OF SENATE BILL 81**

On motion of Senator Ellis and by unanimous consent, Senator Cain will be shown as Co-author of **SB 81**.

**CO-AUTHOR OF SENATE BILL 407**

On motion of Senator Harris and by unanimous consent, Senator Nelson will be shown as Co-author of **SB 407**.

**CO-AUTHOR OF SENATE BILL 415**

On motion of Senator Brown and by unanimous consent, Senator Armbrister will be shown as Co-author of **SB 415**.

**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 41**

**SENATE RESOLUTION 129**

Senator Patterson offered the following resolution:

WHEREAS, It is indeed an honor for the State of Texas to be invited to join Queensland, Australia, in a "Sister State Agreement"; and

WHEREAS, In the spirit of international friendship, the State of Queensland has proposed the possibility of developing a close relationship with the Lone Star State which would be mutually beneficial to both partners; and

WHEREAS, Sharing a positive approach to life and work, Texas and Queensland are blessed with citizens who are energetic and actively pursue creative goals; and

WHEREAS, In order to achieve success in such a sister agreement, the Governor of Texas has proposed the creation of Sister State Friendship Committees to foster active dialogue and exchange with our cultural partners; and

WHEREAS, The committees would be composed of eager, capable people from the private sector dedicated to the exchange of dialogue between individuals, businesses, educational institutions, and cultural entities; and

WHEREAS, Texas is noted for her hospitality, and the Sister State Friendship Committees would reflect the high esteem that our citizens hold for our friends by offering them true international friendship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby express its appreciation to the Premier of Queensland, Australia, for his interest in developing a "Sister State Agreement" with the Lone Star State; and, be it further

RESOLVED, That a copy of this Resolution be prepared as an expression by the Texas Senate of its interest in strengthening the close ties of the two states through the creation of Sister State Friendship Committees.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Patterson, the resolution was adopted by a viva voce vote.

**(Senator Truan in Chair)**

**CAPITOL PHYSICIAN**

Senator Cain was recognized and presented Dr. M. Shashi Rao of Mesquite as the "Doctor for the Day."

The Senate welcomed Dr. Rao and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**REPORT OF COMMITTEE ON NOMINATIONS**

Senator Madla submitted the following report from the Committee on Nominations:

**TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE:**

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be Members of the STATE BAR OF TEXAS BOARD OF DIRECTORS: Cynthia D. Cabaza, Hidalgo County; Romeo Lopez, Starr County; Geraldine Smith Mauthe, Harrison County; Delia M. Reyes, Dallas County.

To be CHIEF ADMINISTRATIVE LAW JUDGE, OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS: Shelia Bailey Taylor, Travis County.

To be a Member of the JUDICIAL DISTRICTS BOARD: Alberto R. Gonzales, Travis County.

To be Members of the STATE COMMISSION ON JUDICIAL CONDUCT: William "Bud" Arnot, Taylor County; L. Scott Mann, Lubbock County; Michael L. O'Neal, Dallas County; Blake Tarrt, Harris County.

To be Members of the TEXAS JUDICIAL COUNCIL: Judge Stephen B. Ables, Kerr County; Judge Lee Ann Dauphinot, Tarrant County; Rayleene "Rae" Jackson, Gregg County; Diego Jesus Pena, Bexar County; Richard P. "Dick" Richards, San Patricio County.

To be Members of the COMMISSION ON UNIFORM STATE LAWS: Peter Kerr Munson, Grayson County; Rodney W. Satterwhite, Midland County.

To be JUSTICE, COURT OF APPEALS, FOURTH COURT OF APPEALS DISTRICT: Karen Anne Angelini, Bexar County.

To be JUSTICE, COURT OF APPEALS, SEVENTH COURT OF APPEALS DISTRICT: Don H. Reavis, Randall County.

To be PRESIDING JUDGE OF THE SECOND ADMINISTRATIVE JUDICIAL REGION: Olen Underwood, Montgomery County.

To be PRESIDING JUDGE OF THE FOURTH ADMINISTRATIVE JUDICIAL REGION: David Peebles, Bexar County.

To be JUDGE, 282nd JUDICIAL DISTRICT COURT, DALLAS COUNTY: Karen J. Greene, Dallas County.

To be JUDGE, 283rd JUDICIAL DISTRICT COURT, DALLAS COUNTY: Molly Meredith Francis, Dallas County.

To be JUDGE, 296th JUDICIAL DISTRICT COURT, COLLIN COUNTY: Betty Ann Caton, Collin County.

To be JUDGE, 301st JUDICIAL DISTRICT COURT, DALLAS COUNTY: Susan Amanda Rankin, Dallas County.

To be JUDGE, 317th JUDICIAL DISTRICT COURT, JEFFERSON COUNTY: Jimmy D. "Skip" Hulett, Jr., Jefferson County.

To be Members of THE UNIVERSITY OF TEXAS SYSTEM BOARD OF REGENTS: Rita Crocker Clements, Dallas County; Patrick C. Oxford, Harris County; A. W. Riter, Jr., Smith County; A. R. Sanchez, Webb County.

#### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Madla gave notice that he would Monday, February 10, 1997, at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

**(President in Chair)**

#### **GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate Chela Lucio, Amalia Garza, and Mary Gutierrez of Cameron and Willacy County Community Projects, Incorporated.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate a group of students from Saint Austin School in Austin.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Lindsay, joined by Senator Ratliff, was recognized and introduced to the Senate a group of fifth-grade students from Willow Creek Elementary School in Kingwood.

Senator Ratliff then introduced to the Senate his grandson Tyler Hargrave and four students, serving today as Honorary Senate Pages:

Armen Dekmezian, Kristin Swecker, Erika Sloan, and Grant Manning, accompanied by their teacher Becky Gibson, of Willow Creeek Elementary School.

The Senate welcomed its guests.

#### **SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

**SB 425** by Barrientos, Gallegos, Lucio, Zaffirini, Luna

Relating to intensive reading instruction for certain public school students.  
To Committee on Education.

**SB 426** by Harris

Relating to the revision of the Uniform Interstate Family Support Act to comply with federal law.  
To Committee on Jurisprudence.

**SB 427** by Haywood, Carona, Fraser, Galloway

Relating to protection of injured parties by certain limitations on the amount of attorney's contingency fees after a settlement or settlement offer.  
To Committee on Economic Development.

**SB 428** by Fraser, Carona, Galloway, Haywood

Relating to the liability of landowners and others to certain persons for personal injuries or property damage.  
To Committee on Economic Development.

**SB 429** by Duncan, Carona, Galloway, Haywood

Relating to the liability of third parties for an injury to an employee.  
To Committee on Economic Development.

**SB 430** by Shapiro

Relating to certain costs associated with the installation of a motor vehicle ignition interlock device required as a condition of bail.  
To Committee on Criminal Justice.

**SB 431** by Haywood

Relating to withdrawal from the volunteer fire fighters' relief and retirement fund.  
To Committee on Intergovernmental Relations.

**SB 432** by Lucio

Relating to the regulation and operation of bingo.  
To Committee on State Affairs.

**SB 433** by Lucio

Relating to the first instructional day of a school year for public school students.  
To Committee on Education.

**SB 434** by Harris

Relating to the provision of mental health services, including the review of agency rulemaking by the Health and Human Services Commission and the

creation of an advisory committee on inpatient mental health services.  
To Committee on Health and Human Services.

**SB 435** by Harris

Relating to standard orders for the possession of a child.  
To Committee on Jurisprudence.

**SB 436** by Lucio

Relating to the maintenance and preservation of public records filed with a county clerk and the collection and application of certain user fees.  
To Committee on Intergovernmental Relations.

**SB 439** by Harris

Relating to audit working papers and draft audit reports under the open records law.  
To Committee on State Affairs.

**SB 440** by Harris

Relating to licensing records requested from a state agency by another state agency for purposes of state contracting.  
To Committee on State Affairs.

**SB 441** by Harris

Relating to the offense of theft when committed by a government contractor.  
To Committee on Criminal Justice.

**SB 442** by Harris

Relating to requiring that contractors and subcontractors disclose the status of their licenses, permits, and certificates to certain state agencies.  
To Committee on State Affairs.

**SB 445** by Haywood

Relating to the status of certain oil and gas workers or services providers as independent contractors.  
To Committee on Economic Development.

**SB 446** by Haywood, Nelson

Relating to the posting of political signs on private property along certain highways.  
To Committee on State Affairs.

**SB 447** by Madla

Relating to the practice of barbering.  
To Committee on State Affairs.

**SCR 13** by Zaffirini

Relating to requirements for public school honors programs.  
To Committee on Education.

**GUEST PRESENTED**

The President introduced to the Senate Representative Ron Wilson.

The Senate welcomed Representative Wilson.

**CONGRATULATORY RESOLUTIONS**

**SR 126** - by Nelson: Congratulating the First Response Search and Rescue Team.

**SR 130** - by Barrientos: Congratulating Ballet Folklorico Ocotochtli of Southwest Texas State University.

**SR 131** - by Barrientos: Congratulating students from the University of Hannover in Hannover, Germany, participating in the Southwest Texas State University student exchange program.

**SR 132** - by Shapleigh: Congratulating former Texas State Senator Peggy Rosson of El Paso.

**ADJOURNMENT**

On motion of Senator Truan, the Senate at 11:18 a.m. adjourned until 12:00 noon Monday, February 10, 1997.

---

**APPENDIX**

---

**COMMITTEE REPORTS**

The following committee reports were received by the Senate:

February 6, 1997

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —  
**SB 228, SB 235**

EDUCATION — **SB 232**

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —  
**SB 229**

INTERGOVERNMENTAL RELATIONS — **SB 91, SB 205**

---

**SIGNED BY GOVERNOR**

February 6, 1997

**SCR 4, SCR 7, HCR 3, HCR 28, HCR 48, HCR 49**





# FIFTEENTH DAY

---

MONDAY, FEBRUARY 10, 1997

---

## PROCEEDINGS

The Senate met at 12:00 noon pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Dan Davis, Central Christian Church, Marble Falls, offered the invocation as follows:

The Lord is my shepherd, I shall not be in want. He makes me lie down in green pastures, He leads me beside quiet waters, He restores my soul. He guides me in paths of righteousness for His name's sake. Even though I walk through the valley of the shadow of death, I will fear no evil, for You are with me; Your rod and Your staff, they comfort me. You prepare a table before me in the presence of my enemies. You anoint my head with oil; my cup overflows. Surely goodness and love will follow me all the days of my life, and I will dwell in the house of the Lord forever. (Psalms 23:1-6)

Father, great responsibility rests on the shoulders of these men and women today. I pray that they will know the guiding hand of their great shepherd today. They need to know the peace that comes in Your presence in green pastures and beside the still waters. Some of them are facing intense personal trauma; may they know that You are at their side as they walk through their valley of deep shadow. The competition of the political process has brought about both alliances and division, friends and enemies. Let them see You even in that arena as You lovingly prepare a table for them in the presence of their enemy. And Father, I pray that each of them may know the grace of Your love and salvation. I make these requests in the name of Jesus. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 6, 1997, was dispensed with and the Journal was approved.

**CO-AUTHOR OF SENATE BILL 35**

On motion of Senator West and by unanimous consent, Senator Ogden will be shown as Co-author of **SB 35**.

**CO-AUTHOR OF SENATE BILL 266**

On motion of Senator Ellis and by unanimous consent, Senator Sibley will be shown as Co-author of **SB 266**.

**CO-AUTHORS OF SENATE BILL 310**

On motion of Senator Brown and by unanimous consent, Senators Armbrister and Barrientos will be shown as Co-authors of **SB 310**.

**CO-AUTHORS OF SENATE BILL 328**

On motion of Senator Brown and by unanimous consent, Senators Armbrister, Lindsay, Patterson, and Wentworth will be shown as Co-authors of **SB 328**.

**CO-AUTHOR OF SENATE BILL 390**

On motion of Senator Zaffirini and by unanimous consent, Senator Shapiro will be shown as Co-author of **SB 390**.

**CO-AUTHORS OF SENATE BILL 407**

On motion of Senator Harris and by unanimous consent, Senators Galloway, Nixon, and Patterson will be shown as Co-authors of **SB 407**.

**CO-AUTHOR OF SENATE BILL 411**

On motion of Senator Nelson and by unanimous consent, Senator Ogden will be shown as Co-author of **SB 411**.

**CO-AUTHORS OF SENATE BILL 425**

On motion of Senator Barrientos and by unanimous consent, Senators Gallegos, Lucio, and Zaffirini will be shown as Co-authors of **SB 425**.

**CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 8**

On motion of Senator Ellis and by unanimous consent, Senators Brown and Shapiro will be shown as Co-authors of **SCR 8**.

**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

**SB 437** by Nelson

Relating to AFDC and Medicaid benefits for additional children born to AFDC recipients.

To Committee on Health and Human Services.

**SB 438** by Armbrister

Relating to the construction, renovation, and equipment of the Darrell K Royal - Texas Memorial Stadium.

To Committee on State Affairs.

**SB 443** by Moncrief, Zaffirini

Relating to remedies for fraudulent referrals to mental health facilities; providing a penalty.

To Committee on Jurisprudence.

**SB 444** by Zaffirini

Relating to administration of vital statistics records.

To Committee on Health and Human Services.

**SB 448** by Madla

Relating to payment of a claim following condemnation of certain real property.

To Committee on Jurisprudence.

**SB 449** by Madla

Relating to the transfer of certain powers and duties of the Texas Feed and Fertilizer Control Service to the commissioner of agriculture.

To Committee on Natural Resources, Subcommittee on Agriculture.

**SB 450** by Nelson

Relating to requiring that an out-of-state inmate housed in a correctional facility in this state be returned to the sending state before the inmate's release from imprisonment.

To Committee on Criminal Justice.

**SB 451** by Duncan

Relating to municipal perpetual trust funds for cemeteries.

To Committee on Intergovernmental Relations.

**SB 452** by Duncan

Relating to the eligibility requirements for the chief administrative law judge of the State Office of Administrative Hearings.

To Committee on Jurisprudence.

**SB 453** by Duncan

Relating to the appeal of certain interlocutory orders.

To Committee on Jurisprudence.

**SB 454** by Duncan

Relating to the definition of a record for records management and archival purposes.

To Committee on State Affairs.

**SB 455** by Duncan

Relating to liability insurance coverage for a charitable organization.

To Committee on Economic Development.

**SB 456** by Duncan

Relating to sources of names for a jury wheel.

To Committee on Jurisprudence.

**SB 457** by Duncan

Relating to the representation of a person before an executive state agency by a member of the legislature.

To Committee on State Affairs.

**SB 459** by Ellis, Lindsay, West, Zaffirini,

Relating to the membership of a local workforce development board.

To Committee on Economic Development.

**SB 460** by Shapiro, Moncrief, Shapleigh

Relating to the issuance of specially designed volunteer advocate program license plates by the Texas Department of Transportation.

To Committee on Finance.

**SB 461** by Moncrief, Truan, West

Relating to the authority of the comptroller to contract for certain tax collection services.

To Committee on State Affairs.

**SB 462** by Luna

Relating to the residency requirement for admission into the public schools of a school district.

To Committee on Education.

**SB 463** by Brown, Armbrister, Fraser, Haywood, Lindsay, Ogden, Patterson, Sibley

Relating to the designation of State Highway 6 as the Texas Korean War Veterans Memorial Highway.

To Committee on International Relations, Trade, and Technology.

**SCR 14** by Moncrief

Directing the Texas Health and Human Services Commission to develop a plan to coordinate long-term care service delivery and administration.

To Committee on Health and Human Services.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas

February 10, 1997

**TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,  
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

**TO BE A MEMBER OF THE TEXAS WORKFORCE COMMISSION** for a term to expire February 1, 2003:

**COMMISSIONER BILL HAMMOND**

Texas Workforce Commission

101 East 15th Street

Austin, Texas 78778-0001

Commissioner Hammond is being reappointed.

TO BE COMMISSIONER OF HEALTH AND HUMAN SERVICES for a term to expire February 1, 1999:

MICHAEL D. McKINNEY, M.D.  
Commissioner of Health and Human Services  
P.O. Box 14237  
Austin, Texas 78711

Dr. McKinney is being reappointed.

TO BE PUBLIC COUNSEL FOR THE OFFICE OF PUBLIC INSURANCE COUNSEL for a term to expire February 1, 1999:

RODERICK "ROD" A. BORDELON, Jr.  
Office of Public Insurance Counsel  
333 Guadalupe, Suite 3-120  
Austin, Texas 78701

Mr. Bordelon is being reappointed.

TO BE COMMISSIONER OF INSURANCE for a term to expire February 1, 1999:

ELTON BOMER  
P.O. Box 149104  
Austin, Texas 78714

Commissioner Bomer is being reappointed.

TO BE EXECUTIVE DIRECTOR OF THE TEXAS DEPARTMENT OF COMMERCE for a term to expire February 1, 1999:

BRENDA F. ARNETT  
P.O. Box 12728  
Austin, Texas 78711-2728

Ms. Arnett is being reappointed.

TO BE PUBLIC COUNSEL OF THE OFFICE OF PUBLIC UTILITY COUNSEL for a term to expire February 1, 1999:

SUZI RAY McCLELLAN  
Office of Public Utility Counsel  
7800 Shoal Creek Boulevard, Suite 290E  
Austin, Texas 78757

Ms. McClellan is being reappointed.

TO BE MEMBERS OF THE GENERAL SERVICES COMMISSION for terms to expire January 31, 2003:

BARBARA N. RUSLING  
1635 Meandering Way  
China Spring, Texas 76633

Ms. Rusling will be replacing Paul Hobby of Houston whose term expired.

GENE SHULL  
1310 Roseland Boulevard  
Tyler, Texas 75701

Mr. Shull will be replacing Betty McKool of Dallas whose term expired.

TO BE MEMBERS OF THE TEXAS REAL ESTATE COMMISSION for terms to expire January 31, 2003:

KAY SUTTON

2802 Stutz

Midland, Texas 79705

Mrs. Sutton will be replacing Eden Box of Austin whose term expired.

MARIA GONZALEZ-AVILA

2611 Country Hollow

San Antonio, Texas 78209

Ms. Gonzalez-Avila will be replacing Rick M. Albers of Austin whose term expired.

C. MICHAEL BRODIE

3204 Canyon Creek Drive

Richardson, Texas 75080

Mr. Brodie will be replacing Weldon Traylor, Sr., of Houston whose term expired.

TO BE MEMBERS OF THE TEXAS COMMISSION ON JAIL STANDARDS  
for terms to expire January 31, 2003:

SHERIFF TERRY G. BOX

Collin County Sheriff

2509 Pepper Tree Circle

McKinney, Texas 75070

Sheriff Box will be replacing Alex Perez of Brownsville whose term expired.

MARC CISNEROS

Lieutenant General (Retired)

P.O. Box 1292

Premont, Texas 78375

Mr. Cisneros will be replacing Charles Chatman of Sherman whose term expired.

SHERIFF CARMELLA JONES

Armstrong County Sheriff

P.O. Box 531

Claude, Texas 79019

Sheriff Jones will be replacing Joe Evans of Nacogdoches whose term expired.

TO BE EXECUTIVE DIRECTOR OF THE TEXAS DEPARTMENT OF  
HOUSING AND COMMUNITY AFFAIRS for a term at the pleasure of  
the Governor:

LARRY PAUL MANLEY

Texas Department of Housing and Community Affairs

P.O. Box 13941

Austin, Texas 78711-3941

Mr. Manley has been serving as Interim Executive Director.

TO BE MEMBERS OF THE TEXAS DEPARTMENT OF HOUSING AND  
COMMUNITY AFFAIRS BOARD for terms to expire January 31, 2003:

JERRY ROMERO

213 Granada

El Paso, Texas 79912

Mr. Romero will be replacing Walter Martinez of San Antonio whose term expired.

ROBERT O. BREWER  
2810 AltaVista Lane  
San Angelo, Texas 76904

Mr. Brewer will be replacing Mary Sanger of Austin whose term expired.

C. KENT CONINE  
5023 Village Circle  
Dallas, Texas 75248

Mr. Conine will be replacing Joseph Kemp of Dallas whose term expired.

Respectfully submitted,

/s/George W. Bush  
Governor of Texas

#### **CAPITOL PHYSICIAN**

Senator Sibley was recognized and presented Dr. Harold Nachimson of Irving as the "Doctor for the Day."

The Senate welcomed Dr. Nachimson and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

#### **RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 50, HCR 51**

#### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Monday, February 10, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HCR 33**, Declaring February 25, 1997, Midland/Odessa Joint Legislative Day.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**SENATE CONCURRENT RESOLUTION 17**

Senator Lucio offered the following resolution:

WHEREAS, The Legislature of the State of Texas takes pride in recognizing Kid Cardona, the famous caricature artist whose many contributions to our state have earned him the title Caricature Artist of Texas; and

WHEREAS, Kid Cardona attended Del Mar Junior College in Corpus Christi and Moreno's School of Cartooning; he has since had a successful 27-year career as a cartoonist, caricaturist, and commercial cartoonist/artist; and

WHEREAS, Highly talented in his field, Kid Cardona served as the vice-president of United Cartoonist Syndicate from 1975 to 1985 and from 1980 to 1986 was syndicated by Transworld News Service and Columbia Pictures Merchandising; and

WHEREAS, He created the Infamous Cartoon Posse in 1986, started the newspaper *The Cartoonist* in 1993, and joined the National Caricaturist Network in 1993; he is ranked fifth in international competition by the National Caricaturist Network, and he served as the official caricature artist for the United States Drug Summit and the United States Olympic Festival; and

WHEREAS, Kid Cardona entertains by recreating the 1880s Wild West with authentic costume and tall Texas tales based on historic events; he represents Texas with enthusiasm and flare and is invited to entertain for all types of occasions, such as open houses, promotional events, and conventions; and

WHEREAS, He has shared his love of Texas history with innumerable schoolchildren and has served as a fundraiser for a wide array of charitable causes, such as Wolftrail Kids Kamp, the San Antonio Jewish Community Center, the Battered Women's Shelter, and the Visit the Kids program at Methodist Hospital; and

WHEREAS, Kid Cardona served as host of the National Caricaturist Network's 1995 San Antonio Annual Convention and in 1996 became the editor of "Exaggerated Features," a professional news and source guide for the organization; now, therefore, be it

RESOLVED, That the 75th Legislature of the State of Texas hereby commend Kid Cardona on his unique talent and his many accomplishments and declare him the Caricature Artist of Texas; and, be it further

RESOLVED, That a copy of this resolution be prepared for him as an expression of esteem from the Texas Legislature.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.



**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate Kid Cardona, his wife Elva Cardona, their children Pedro and Leticia, and his mother-in-law Ms. Elena Guzman.

The Senate welcomed its guests.

**(Senator Truan in Chair)**

**GUEST PRESENTED**

Senator Moncrief, joined by Senator Brown, was recognized and introduced to the Senate Mrs. Virginia Eernisse.

Mrs. Eernisse was commended by the Senate for her devotion and leadership as a Member of the Texas Board of Mental Health and Mental Retardation. **SR 97** (congratulating Mrs. Eernisse) was read and adopted on Monday, February 3, 1997.

The Senate welcomed Mrs. Eernisse.

**(President in Chair)**

**SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Thursday, February 6, 1997, by Senator Madla.

Senator Madla moved confirmation of the nominees reported Thursday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

**NOMINEES CONFIRMED**

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 31, Nays 0.

Members, State Bar of Texas Board of Directors: CYNTHIA D. CABAZA, Hidalgo County; ROMEO LOPEZ, Starr County; GERALDINE SMITH MAUTHE, Harrison County; DELIA M. REYES, Dallas County.

Chief Administrative Law Judge of the State Office of Administrative Hearings: SHELIA BAILEY TAYLOR, Travis County.

Member, Judicial Districts Board: ALBERTO R. GONZALES, Travis County.

Members, State Commission on Judicial Conduct: WILLIAM "BUD" ARNOT, Taylor County; L. SCOTT MANN, Lubbock County; MICHAEL L. O'NEAL, Dallas County; BLAKE TARTT, Harris County.

Members, Texas Judicial Council: JUDGE STEPHEN B. ABLES, Kerr County; JUDGE LEE ANN DAUPHINOT, Tarrant County;

RAYLEENE "RAE" JACKSON, Gregg County; DIEGO JESUS PENA, Bexar County; RICHARD P. "DICK" RICHARDS, San Patricio County.

Members, Commission on Uniform State Laws: PETER KERR MUNSON, Grayson County; RODNEY W. SATTERWHITE, Midland County.

Justice, Court of Appeals, Fourth Court of Appeals District: KAREN ANNE ANGELINI, Bexar County.

Justice, Court of Appeals, Seventh Court of Appeals District: DON H. REAVIS, Randall County.

Presiding Judge of the Second Administrative Judicial Region: OLEN UNDERWOOD, Montgomery County.

Presiding Judge of the Fourth Administrative Judicial Region: DAVID PEEPLES, Bexar County.

Judge, 282nd Judicial District Court, Dallas County: KAREN J. GREENE, Dallas County.

Judge, 283rd Judicial District Court, Dallas County: MOLLY MEREDITH FRANCIS, Dallas County.

Judge, 296th Judicial District Court, Collin County: BETTY ANN CATON, Collin County.

Judge, 301st Judicial District Court, Dallas County: SUSAN AMANDA RANKIN, Dallas County.

Judge, 317th Judicial District Court, Jefferson County: JIMMY D. "SKIP" HULETT, Jr., Jefferson County.

Members, The University of Texas System Board of Regents: RITA CROCKER CLEMENTS, Dallas County; PATRICK C. OXFORD, Harris County; A. W. RITER, Jr., Smith County; A. R. SANCHEZ, Webb County.

#### **COMMITTEE SUBSTITUTE SENATE BILL 35 ON SECOND READING**

Senator West moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 35** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator West, the regular order of business was suspended for **CSSB 35** by the following vote: Yeas 31, Nays 0.

**CSSB 35**, Relating to operating a vehicle while intoxicated or under the influence of alcohol by a minor and other actions of a minor concerning the acquisition, possession, and use of alcohol; providing penalties.

**(Senator Armbrister in Chair)**

The bill was read second time and was passed to engrossment by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 35 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 35** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 35** was read third time and was passed by a viva voce vote.

**SENATE BILL 205 ON SECOND READING**

Senator Madla moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 205** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended for **SB 205**:

**SB 205**, Relating to the period covered by a county report of its expenditure of funds required to be used for highways.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 205 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 205** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 205** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MEMORIAL RESOLUTIONS**

**SR 142** - by Cain: In memory of Linda Defoore Roberts of Waxahachie.

**SR 145** - by Truan: In memory of Sarah Rivera Leal of Corpus Christi.

**SR 146** - by Truan: In memory of Esperanza G. Tamez of Corpus Christi.

**SR 147** - by Truan: In memory of Santiago Martinez of Corpus Christi.

**SR 150** - by Truan: In memory of Lupe Guerra of Corpus Christi.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**SR 133** - by Gallegos: Congratulating the United Way of the Texas Gulf Coast.

**SR 134** - by Ellis: Congratulating the Association for the Study of Afro-American Life and History, Incorporated, of Houston.

**SR 135** - by Gallegos: Congratulating the Benemerita Sociedad Mutualista Obrera Mexicana of Houston.

**SR 137** - by Brown: Congratulating Shirley Brothers of Alvin.

**SR 138** - by Harris: Congratulating Brian McCleery of Arlington.

**SR 139** - by Harris: Welcoming the Mansfield High School Gold Dusters Drill Team.

**SR 140** - by Ellis: Congratulating the Gee Family Association of Houston.

**SR 141** - by Cain: Congratulating Waylon Nelson.

**SR 143** - by Cain: Congratulating Mr. and Mrs. W. E. Buckmeyer of Dallas.

**SR 148** - by Truan: Congratulating former Senate Doorkeeper James Walter Morris, Jr., of Austin.

**SR 149** - by Ratliff: Congratulating Myrtle and Phillip Hardage of Maud.

#### **ADJOURNMENT**

On motion of Senator Truan, the Senate at 12:52 p.m. adjourned, in memory of Texas victims of drunken drivers, until 12:00 noon tomorrow.

---

#### **APPENDIX**

---

#### **COMMITTEE REPORTS**

The following committee reports were received by the Senate:

February 10, 1997

INTERGOVERNMENTAL RELATIONS — **CSSB 187**

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY — **CSSB 120**

EDUCATION — **CSSB 148, CSSB 149**

HEALTH AND HUMAN SERVICES — **CSSB 59, SB 86 (Amended)**